

**MOTOROLA****FAX TRANSMITTAL SHEET**RECEIVED
CENTRAL FAX CENTER

APR 13 2005

Motorola, Inc.

Law Department - MD 1610

8000 W. Sunrise Blvd.

Plantation, FL 33322

Telephone: (954) 723-64409

Facsimile: (954) 723-3871

26 Number of Pages (including this page)

Date:

To: Mail Stop: **PETITION**
Location: Commissioner for Patents

Fax No.: 1 (703) 308-6916

From: Randi L. Karpinia

REG. No. 46,148

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you receive this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

MESSAGE:

Enclosed herewith, please find the following document:

- 1 page Transmittal Form;
- 1 page Fee Transmittal, with authorization to charge fees
- 1 page copy of Notice of Abandonment Under 37 C.F.R. 1.53(f) or (g);
- 3 pages Petition for Revival of a Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a);
- 1 page copy of the facsimile transmission response
- 2 page copy of the Docket report for PT03307U;
- 15 page copy of the amendment and reply and all addition documents attached to facsimile

APPLICATION SERIAL NO.:	09/944,615
FILE DATE:	08/31/2001
INVENTOR(S):	John M. Burgan, et al
Confirmation No.	1302
Docket No.	PT03307U

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, FAX No. 1 (703) 308-6916, and addressed to: Mail Stop: PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date listed below:

Typed Name: Vernice V. Freebourn

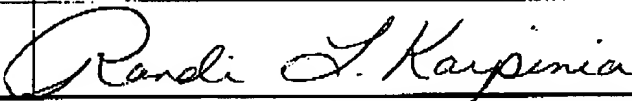
Signature

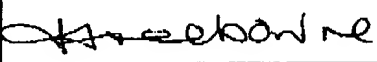
Date:

April 13, 2005

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number		09/944,615	
	Filing Date		08/31/2001	
	First Named Inventor		John M. Burgan	
	Group Art Unit		2635	
	Examiner Name		Scott D. Au	
Total Number of Pages in this Submission		15	Attorney Docket Number	PT03307U

ENCLOSURES		(check all that apply)
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) -Copy of facsimile transmission receipt -Copy of Motorola docket report
Remarks X Facsimile Transmittal		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Randi L. Karpinia	Registration No.	46,148
Signature Date			April 13, 2005

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, FAX No. 1 (703) 308-6916, and addressed to: Mail Stop: PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date listed below:	
Typed or printed name	Vernice V. Freebourne
Signature	
Date	APRIL 13 2005

FEE TRANSMITTAL Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known	
		Application Number	09/944,615
		Filing Date	08/31/2003
		First Named Inventor	John M. Burgan
		Examiner Name	Scott D. Au
		Group Art Unit	2635
TOTAL AMOUNT OF PAYMENT		Attorney Docket No.	PT03307U
(\$)		500.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																						
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 502117 Deposit Account Name: Motorola, Inc.		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surchage - late filing fee or oath</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surchage - late Provisional filing</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIF prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIF after Examiner action</td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>130</td><td>2252</td><td>215</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2080</td><td>2255</td><td>1040</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>1370</td><td>2501</td><td>685</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>560</td><td>2503</td><td>330</td><td>Plant issue fee</td></tr> <tr><td>1450</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(e)</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>1809</td><td>790</td><td>2609</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surchage - late filing fee or oath	1052	50	2052	25	Surchage - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIF after Examiner action	1251	120	2251	55	Extension for reply within first month	1252	130	2252	215	Extension for reply within second month	1253	980	2253	490	Extension for reply within third month	1254	1530	2254	765	Extension for reply within fourth month	1255	2080	2255	1040	Extension for reply within fifth month	1401	340	2401	170	Notice of Appeal	1402	340	2402	170	Filing a brief in support of an appeal	1403	300	2403	150	Request for oral hearing	1451	1510	1451	1510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1370	2453	685	Petition to revive - unintentional	1501	1370	2501	685	Utility issue fee (or reissue)	1502	490	2502	245	Design issue fee	1503	560	2503	330	Plant issue fee	1450	130	1460	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(e)	1806	180	1806	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	790	2609	395	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	1801	790	2801	395	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application
Large Entity		Small Entity		Fee Description																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																					
1051	130	2051	65	Surchage - late filing fee or oath																																																																																																																																																				
1052	50	2052	25	Surchage - late Provisional filing																																																																																																																																																				
1053	130	1053	130	Non-English specification																																																																																																																																																				
1812	2520	1812	2520	For filing a request for ex parte Reexamination																																																																																																																																																				
1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action																																																																																																																																																				
1805	1840*	1805	1840*	Requesting publication of SIF after Examiner action																																																																																																																																																				
1251	120	2251	55	Extension for reply within first month																																																																																																																																																				
1252	130	2252	215	Extension for reply within second month																																																																																																																																																				
1253	980	2253	490	Extension for reply within third month																																																																																																																																																				
1254	1530	2254	765	Extension for reply within fourth month																																																																																																																																																				
1255	2080	2255	1040	Extension for reply within fifth month																																																																																																																																																				
1401	340	2401	170	Notice of Appeal																																																																																																																																																				
1402	340	2402	170	Filing a brief in support of an appeal																																																																																																																																																				
1403	300	2403	150	Request for oral hearing																																																																																																																																																				
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																				
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																				
1453	1370	2453	685	Petition to revive - unintentional																																																																																																																																																				
1501	1370	2501	685	Utility issue fee (or reissue)																																																																																																																																																				
1502	490	2502	245	Design issue fee																																																																																																																																																				
1503	560	2503	330	Plant issue fee																																																																																																																																																				
1450	130	1460	130	Petitions to the Commissioner																																																																																																																																																				
1807	50	1807	50	Processing fee under 37 CFR 1.17(e)																																																																																																																																																				
1806	180	1806	180	Submission of IDS																																																																																																																																																				
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																				
1809	790	2609	395	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																				
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																				
1801	790	2801	395	Request for Continued Examination (RCE)																																																																																																																																																				
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																				
1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Large Fee (\$)</th> <th>Small Fee Code</th> <th>Small Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>790</td><td>2001</td><td>395</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>350</td><td>2002</td><td>175</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>550</td><td>2003</td><td>275</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>790</td><td>2004</td><td>395</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>		Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid	1001	790	2001	395	Utility filing fee		1002	350	2002	175	Design filing fee		1003	550	2003	275	Plant filing fee		1004	790	2004	395	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1) (\$) 0																																																																																																																		
Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid																																																																																																																																																			
1001	790	2001	395	Utility filing fee																																																																																																																																																				
1002	350	2002	175	Design filing fee																																																																																																																																																				
1003	550	2003	275	Plant filing fee																																																																																																																																																				
1004	790	2004	395	Reissue filing fee																																																																																																																																																				
1005	160	2005	80	Provisional filing fee																																																																																																																																																				
2. EXTRA CLAIM FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Previously Paid**</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>20</td> <td></td> <td>18</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td>3</td> <td></td> <td>88</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>300</td> </tr> </tbody> </table>		Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid	Independent Claims	20		18		Multiple Dependent	3		88						300	SUBTOTAL (2) (\$) 0																																																																																																																																		
Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid																																																																																																																																																				
Independent Claims	20		18																																																																																																																																																					
Multiple Dependent	3		88																																																																																																																																																					
				300																																																																																																																																																				
4. FEE CALCULATION <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Large Fee (\$)</th> <th>Small Fee Code</th> <th>Small Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>88</td><td>2201</td><td>44</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>300</td><td>2203</td><td>150</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>88</td><td>2204</td><td>44</td><td>* Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>* Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>		Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid	1202	18	2202	9	Claims in excess of 20		1201	88	2201	44	Independent claims in excess of 3		1203	300	2203	150	Multiple dependent claim, if not paid		1204	88	2204	44	* Reissue independent claims over original patent		1205	18	2205	9	* Reissue claims in excess of 20 and over original patent		SUBTOTAL (3) (\$) 500.00																																																																																																																		
Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid																																																																																																																																																			
1202	18	2202	9	Claims in excess of 20																																																																																																																																																				
1201	88	2201	44	Independent claims in excess of 3																																																																																																																																																				
1203	300	2203	150	Multiple dependent claim, if not paid																																																																																																																																																				
1204	88	2204	44	* Reissue independent claims over original patent																																																																																																																																																				
1205	18	2205	9	* Reissue claims in excess of 20 and over original patent																																																																																																																																																				
SUBMITTED BY Name (Print/Type) Randi L. Karpinia Signature <i>Randi L. Karpinia</i>		Complete (if applicable) Registration No. 46,148 Telephone (954) 723-6449 Date April 13, 2005																																																																																																																																																						

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number PT03307U
First Named Inventor: John M. Burgan Application No: 09/944,615 Filed: 08/31/2001 Title: MESSAGING SYSTEM PROVIDING MESSAGE REDUNDANCY REDUCTION Confirmation No. 1302 Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916	Art Unit: 2635 Examiner: Scott Au	
<p>Note: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(i)). Applicant claims small entity status See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>\$ 500.00</u></p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of:</p> <p style="padding-left: 40px;">AMENDMENT AND REPLY UNDER 37 CFR §1.116</p> <p><input checked="" type="checkbox"/> has been previously filed on <u>NOVEMBER 10, 2004</u></p> <p><input checked="" type="checkbox"/> is enclosed herewith</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED
CENTRAL FAX CENTER
APR 13 2005

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLE UNDER 37 CFR 1.137(a)**

3. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ For a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63)

4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

5. ☒ The Commissioner is hereby authorized to charge any fees which may be required,
Or credit any overpayment, to Deposit Account Number 502117

April 13, 2005

Date

Randi L. Karpinia
Signature

(954) 723-6449
Telephone Number

Randi L. Karpinia
Typed or printed name

Registration Number, 45,834
if applicable

Motorola, Inc.
Address
8000 W. Sunrise Blvd.
Plantation, FL 33322
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first-class Mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark office at (703) 308-6916.

April 13, 2005

Date

Vernice V. Freebourn
Signature

Vernice V. Freebourn

Typed or printed name of person signing certificate

[Page 2 of 3]

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLE UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by an other party who is presenting statement concerning the cause of delay

April 13, 2005

Date


Signature

46,148

Registration Number, if applicable

Randi L. Karpinia

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

On November 10, 2004, we filed an amendment and reply to the Office Action dated August 10, 2004 with the U.S. Patent and Trademark Office (USPTO) via facsimile for our docket No. PT03307U (US application no. 09/944,615). Attached please find the "Auto Reply Facsimile Transmission", that confirms our amendment filing date along with the entire contents of the faxed response. Also attached please find a copy of a docketing report for PT03307U. In accordance with Motorola policy, a docket report is created for every patent application filed with the USPTO. Our docketing personnel are trained to enter into each appropriate docket report the receipt of all correspondence from the USPTO and any actions taken by Motorola personnel. In view of this docket report, both the docketing clerk and the responsible Motorola attorney are automatically reminded of all important deadlines. For example, for this patent application, the date of receipt of the August 10, 2004 office action and the amendment and reply to the August 10, 2004 office action were recorded. As such, the training of Motorola's employees and its docketing system are designed to keep us from missing important deadlines.

It is our contention that we did file the amendment and reply to the outstanding office action within the time limitations for reply, which the USPTO is claiming was not received. Because we received the facsimile confirmation, we submit that the response was timely filed and inappropriately abandoned by the USPTO, therefore this abandonment was unavoidable pursuant to 37 CFR 1.137(a). As further evidence of the reliability of our docketing system, the Notice of Abandonment and the Petition to Revive were docketed.

In the event the USPTO requires further evidence of Motorola's procedures and docketing records, or if a telephone call would advance the resolution of this case, please feel free to call the attorney of record.

Since, as described above, the Applicant used appropriate diligence with respect to the required response: and the delay was not due to any errors on the Applicant's part. Therefore, Applicant respectfully requests full refund of the petition fee.

[Page 3 of 3]

Apr. 13. 2005-11:48AM 9547233871

No. 7025 P. 7



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,615	08/31/2001	John M. Burgan	PT03307U	1302

24273 7590 03/10/2005

MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 03/10/2005

Letter to revive due April 10, 2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAR 14 2005

MOTOROLA LAW DEPARTMENT
PLANTATION, FLORIDA

Notice of Abandonment

Application No.

09/944,615

Applicant(s)

BURGAN ET AL.

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10 August 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Abandonment to application not being responded and passed due date.

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Auto-Reply Facsimile Transmission



TO: Fax Sender at 18475232350

Fax Information
Date Received: 11/10/2004 12:22:52 PM [Eastern Standard Time]
Total Pages: 14 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPEP) section 306 et seq.

Received
Cover
Page

NOV-10-2004 12:09 FROM: MOTOROLA INC. JPD 18475232350 TO: USPTO P. 1/14													
TRANSMITTAL FORM <small>(to be used for all communications that will result in a filing)</small> <small>Total Number of Pages in this Submission: 14</small>													
<table border="1"> <tr> <td>Application Number</td> <td>05842,815</td> </tr> <tr> <td>Filing Date</td> <td>August 31, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>John M. Burgan</td> </tr> <tr> <td>Group Ref. Num.</td> <td>2535</td> </tr> <tr> <td>Examiner Name</td> <td>Ale. Scott D.</td> </tr> <tr> <td>Examiner Contact Number</td> <td>PTO 5307.1</td> </tr> </table>		Application Number	05842,815	Filing Date	August 31, 2001	First Named Inventor	John M. Burgan	Group Ref. Num.	2535	Examiner Name	Ale. Scott D.	Examiner Contact Number	PTO 5307.1
Application Number	05842,815												
Filing Date	August 31, 2001												
First Named Inventor	John M. Burgan												
Group Ref. Num.	2535												
Examiner Name	Ale. Scott D.												
Examiner Contact Number	PTO 5307.1												
ENCLOSURES <small>(check all that apply)</small>													
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Abandonment <input type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> Alter Final <input type="checkbox"/> Amendment/Continuation <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Unpublished Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Dismiss a Previously Appointed <input type="checkbox"/> Power of Attorney, Renunciation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Return <input type="checkbox"/> CD, Number of CDs Remarks:												
<input type="checkbox"/> Alter Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interference <input type="checkbox"/> Appeal Communication to TC (Verbal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other (Indicate/Specify below)													
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT													
Firm or Individual: Synha Chen Signature: <i>Synha Chen</i> Date: 10/26/2004	Registration No. 39,633												
CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being transmitted to the USPTO in facsimile number 700-672-8506 or deposited with the United States Postal Service with out-of-state postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22312 on the date listed below. Typed or printed name: Jane Edwards Signature: <i>Jane Edwards</i> Date: November 10, 2004													
<small>PAGE 1/14 RECEIVED AT 11/10/2004 12:22:52 PM [Eastern Standard Time] SVR:USPTO-EFXXF-1/4 *DNIS:7463258 *CSID:9547233871 *DURATION (mm-ss):07-14</small>													

Patents

Docket Number PT03307U
 Country United States
 Case Type REGULAR CASE TYPE
 Relation Type NO RELATIONSHIP
 Filing Type NATIONAL CASE
 Status FILED
 Parent Country United States
 First Filing Date Aug 31 2001
 LJN
 CreateUser Sep 5 2001
 CreateDate a11600
 UpdateUser Mar 29 2005
 UpdateDate

Attorney KARPINIA, RANDI L.
 Client MESSAGING SYSTEMS PRODUCTS
 Application Number GROUP
 Application Date 09/944615
 Total Claims Aug 31 2001
 Convention Type 12
 Confirmation Number FIRST FILED CASE
 Ind. Claims\Designs 1302
 1st Pub Info Dt 2
 1st Publication Info. 2003-03-06
 US-2003-0043022-A1
 Patent Office Group 2635
 No. Pages Spec. 37
 # of Sheets Drwgs. 7
 Validation Date Mar 29 2005
 Validation User a11600
 Originating IPD FT. LAUDERDALE IPD
 Prosecuting Agent FT. LAUDERDALE IPD
 Assignee MOTOROLA, INC

Actions

Action	Action Due Date	Completed Date	Resp. Party
PET2REV UNINTNTL	Apr 10 2005		
STAT TIME PER EXP	Feb 10 2005		
TMA OPEN/116 FILED	Nov 10 2004		
NTC OF ABANDON		Mar 10 2005	
116 AMEND		Nov 10 2004	CHEN, SYLVIA Y.
FINAL REJECTION		Aug 10 2004	
POSTCARD		May 24 2004	
AMENDMENT FILED		May 17 2004	KARPINIA, RANDI L.
1 MO/1ST EXTENSION		May 17 2004	KARPINIA, RANDI L.
REJECTION		Jan 20 2004	
POSTCARD		Jul 28 2003	
STAT. INQ MADE		Jul 18 2003	KARPINIA, RANDI L.
PUBLISHED		Mar 6 2003	
FOREIGN FILE/FILED		Aug 14 2002	KARPINIA, RANDI L.
FILE RECEIPT		Nov 8 2001	
POSTCARD		Sep 11 2001	
FILED PRIM APP		Aug 31 2001	KARPINIA, RANDI L.

Inventors

Inventor Code	Award Code	File Award Amount	File Award Date	Issue Award Amount
BURGAN, JOHN	File Award Requested of Payrol	1500.00	Oct 4 2001	.00
LOPATUKHIN, EUGENE		.00		.00

LERNER, KEN		.00		.00
-------------	--	-----	--	-----

Title

Text1
MESSAGING SYSTEM PROVIDING MESSAGE REDUNDANCY REDUCTION

Data #1

Record Location	Transfer Date	Received By	Received Date	Trans. From/Archive#/Notes
LIBERTYVILLE IPD	Oct 25 2004	CHEN, SYLVIA Y.	Oct 27 2004	MOTF
ET. LAUDERDALE IPD	Dec 7 2004	KARPINIA, RANDI L.	Dec 8 2004	MOTL

MESSAGE CONFIRMATION

NOV-10-2004 12:13 PM WED

FAX NUMBER : 18475232350
 NAME : MOTOROLA PCS IPD

NAME/NUMBER : 917038729306
 PAGE : 14
 START TIME : NOV-10-2004 12:09PM WED
 ELAPSED TIME : 04'06"
 MODE : STD ECM
 RESULTS : [O.K]

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> Total Number of Pages in this Submission 14		Application Number	09/944,615
		Filing Date	August 31, 2001
		First Named Inventor	John M. Burgan
		Group Art Unit	2835
		Examiner Name	Av. Scott D.
		Attorney Docket Number	PT03307U
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	
		<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Employee(s) (please identify below)	
Remarks			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Sylvia Chen	Registration No.	39,833
Signature	<i>Sylvia Chen</i>		
Date	10 NOV 2004		
CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on the date listed below:			
Type or printed name	June Edwards		
Signature	<i>June Edwards</i>		Date
			November 10, 2004